

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**UNITED STATES OF AMERICA**

**vs.**

**DAVID CARL HARVEY**

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§

**CAUSE NO. 4:06-cr-136**

**MOTION FOR RECONSIDERATION OF CONDITIONS  
OF PRE-TRIAL RELEASE**

TO THE HONORABLE MAGISTRATE OF THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF TEXAS, SHERMAN DIVISION:

COMES NOW, DAVID CARL HARVEY, Defendant, by and through his undersigned counsel, and makes this Motion For Reconsideration of Conditions of Pre-trial Release against the United States of America, hereinafter referred to as The Government, unless otherwise designated and moves this Court pursuant to 18 U.S.C. §3142 to set conditions of pre-trial release, and as grounds therefore and in support thereof would show unto this Court the following:

1. The Defendant has been charged in the above captioned and entitled cause with violation 18 U.S.C. § 371 (conspiracy to fraudulently use social security numbers and access devises to commit bank fraud). The Defendant was initially detained upon his appearance. At the time of the initial appearance, the Court ordered detention of the defendant pending trial. However, in the same order dated on or about the 23<sup>rd</sup> day of June 2006, the Court entered the Order of Detention without prejudice to him re-raising the issue of pretrial detention at any time.

2. The Defendant would show that he is not a risk of flight having been a life long residence of Point, Texas and surrounding areas of East Texas. The Defendant has only been out of the State for brief periods of time and has always returned to the State of Texas.

3. All family contacts and ties to the community of the Defendant are in Point, Texas.

4. The Defendant has gainful employment and has skills with which to get and keep employment.

5. The Defendant is not a risk of flight and not a substantial threat to the public. The

allegations contained in the indictment made the subject of the above captioned and entitled cause had been on the basis of fraudulent use of credit card numbers and other security devises in addition to Social Security Numbers. Pre-trial release can monitor the defendant to insure that he does not use or commit any similar type offense.

6. The Court can set conditions of pre-trial release which will insure the appearance of the Defendant in Court and the Defendant can comply with such conditions of pretrial release, including, but not limited to electronic monitoring, monitoring by the pretrial release services of the United States Probation Office and other services available to the Government.

WHEREFORE PREMISES CONSIDERED, Defendant, DAVID CARL HARVEY, prays that this Court grant this Motion For Reconsideration of Conditions of Pretrial Release and enter an Order pursuant to 18 U.S.C. § 3142 setting forth conditions of pretrial release pending trial in the above captioned and entitled cause, and for such other and further relief, to which the Defendant may show himself justly entitled.

Respectfully submitted,

By: /s/ Neil L. Durrance  
NEIL L. DURRANCE  
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#### **CERTIFICATE OF CONFERENCE**

I hereby certify that on the 6<sup>th</sup> day of July, 2006, I attempted a conference with Terri Hagan to discuss this motion. She could not be reached and an agreement could not be reached. I did not have an opportunity to discuss this motion with other co-counsels.

/s/ Neil L. Durrance  
Neil L. Durrance  
Attorney for Defendant

#### **CERTIFICATE OF SERVICE**

A true copy of the foregoing has this 6<sup>th</sup> day of July, 2006, been transmitted to opposing counsel, Terri Hagan by telephonic document transfer.

/s/ Neil L. Durrance  
Neil L. Durrance  
Attorney for Defendant